

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:24-cv-01829-AR**

Halter v. Providence Health & Services et al
Assigned to: Magistrate Judge Jeff Armistead
Cause: 29:1104 Recovery of Benefits to Employee

Date Filed: 10/31/2024
Date Terminated: 01/29/2025
Jury Demand: None
Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff

Victoria Halter
*individually, on behalf of the Providence Health
& Services 401(k) Savings Plan and on behalf
of all similarly situated participants and
beneficiaries of the Plan*

represented by **Beth Ann Creighton**
Creighton & Rose, PC
735 SW First Avenue
Ste 300
Portland, OR 97204
503-221-1792
Fax: 503-223-1516
Email: beth@civilrightspdx.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Sharman
The Sharman Law Firm LLC
11175 Cicero Drive
Suite 100
Alpharetta, GA 30022
678-242-5297
Fax: 678-802-2129
Email: paul@sharman-law.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Providence Health & Services

represented by **Elizabeth H. White**
K&L Gates LLP
One SW Columbia St.
Suite 1900
Portland, OR 97204
503-226-5729
Email: elizabeth.white@klgates.com
ATTORNEY TO BE NOTICED

Defendant

**Administrative Committee of the Providence
Health & Services 401k Savings Plan**

represented by **Elizabeth H. White**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**John and Jane Does 1–30***in their capacities as members of the
Administrative Committee*

Email All Attorneys

Date Filed	#	Docket Text
10/31/2024	<u>1</u>	Complaint. Filing fee in the amount of \$405 collected. Agency Tracking ID: AORDC–9633118 Jury Trial Requested: No. Filed by Providence Health & Services 401k Savings Plan against All Defendants (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons). (Creighton, Beth) (Entered: 10/31/2024)
11/01/2024	<u>2</u>	Notice of Case Assignment to Magistrate Judge Stacie F. Beckerman and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5. Discovery is to be completed by 3/3/2025. Joint Alternate Dispute Resolution Report is due by 3/31/2025. Pretrial Order is due by 3/31/2025. Ordered by Magistrate Judge Stacie F. Beckerman. (gd) (Entered: 11/01/2024)
11/01/2024	<u>3</u>	Summons Issued Electronically as to Administrative Committee of the Providence Health & Services 401k Savings Plan, Providence Health & Services. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5. (gd) (Entered: 11/01/2024)
11/04/2024	<u>4</u>	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge Stacie F. Beckerman to Magistrate Judge Jeff Armistead. (cw) (Entered: 11/04/2024)
11/14/2024	<u>5</u>	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Paul Sharman. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC–9647747. Filed by Victoria Halter. (Sharman, Paul) Modified on 11/14/2024 to correct attorney requesting <i>Pro Hac Vice</i> admission. (dino) (Entered: 11/14/2024)
11/14/2024	<u>5</u>	Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Paul Sharman. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC–9647747 <u>5</u> : Reviewed and Ready for Ruling. (dino) Modified on 11/14/2024 to correct attorney requesting <i>Pro Hac Vice</i> admission. (dino) (Entered: 11/14/2024)
11/14/2024	<u>6</u>	ORDER: Granting Motion for Leave to Appear <i>Pro Hac Vice</i> <u>5</u> for Attorney Paul Sharman. Ordered by Magistrate Judge Jeff Armistead. (pjpg) (Entered: 11/14/2024)
12/10/2024	<u>7</u>	Affidavit of Service upon All Defendants Filed by All Plaintiffs. (Creighton, Beth) (Entered: 12/10/2024)
12/18/2024	<u>8</u>	Affidavit of Service upon All Plaintiffs Filed by All Plaintiffs. (Creighton, Beth) (Entered: 12/18/2024)
12/27/2024	<u>9</u>	Unopposed Motion for Extension of Time to Answer <i>Complaint</i> . Filed by Administrative Committee of the Providence Health & Services 401k Savings Plan, Providence Health & Services. (White, Elizabeth) (Entered: 12/27/2024)
12/31/2024	<u>10</u>	ORDER: Granting Motion for Extension of Time to Answer <u>9</u> . Deadline for defendants to respond to the complaint is extended to 1/27/2025. Ordered by Magistrate Judge Jeff Armistead. (pjpg) (Entered: 12/31/2024)

01/27/2025	<u>11</u>	Unopposed Motion to Change or Transfer Venue . Filed by Providence Health & Services, Administrative Committee of the Providence Health & Services 401k Savings Plan. (White, Elizabeth) (Entered: 01/27/2025)
01/27/2025	<u>12</u>	Declaration of Rebecca Brown <i>in Support of Providence Defendants' Unopposed Motion to Transfer Venue</i> . Filed by Providence Health & Services, Administrative Committee of the Providence Health & Services 401k Savings Plan. (Related document(s): Motion to change/transfer venue <u>11</u> .) (Attachments: # <u>1</u> Exhibit A) (White, Elizabeth) (Entered: 01/27/2025)
01/27/2025	<u>13</u>	Corporate Disclosure Statement . Filed by Providence Health & Services, Administrative Committee of the Providence Health & Services 401k Savings Plan. (White, Elizabeth) (Entered: 01/27/2025)
01/29/2025	<u>14</u>	<p>ORDER: GRANTING Defendants' unopposed motion to transfer venue under 28 U.S.C. § 1404(a) (ECF No. <u>11</u>).</p> <p>Where venue is proper in the district where a case is filed, 28 U.S.C. § 1404(a) permits transfer to "any other district to which the parties have agreed by contract." <i>Atl. Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Tex.</i>, 571 U.S. 49, 59 (2013). "[P]roper application of § 1404(a) requires that a forum–selection clause be given controlling weight in all but the most exceptional cases." <i>Id.</i> at 60 (quotation marks omitted). A court evaluating a § 1404(a) motion based on a forum selection clause should consider only public interest factors in determining whether transfer is appropriate, and "those factors will rarely defeat a transfer motion." <i>Id.</i> at 64.</p> <p>Here, the 401(k) Savings Plan under which plaintiff brings her claims includes a forum selection clause providing that any legal action arising out of the Plan must be brought in federal district court in the State of Washington. (See Compl., ECF No. <u>1</u> ; ECF No. <u>12</u> –1 at 61.) Plaintiff does not oppose defendants' motion, nor do the public interest factors (local interest in the lawsuit, court familiarity with governing law, the burden on local courts and juries, congestion in the court, and costs of resolving a dispute unrelated to the forum) strongly favor keeping the case here. <i>Carijano v. Occidental Petroleum Corp.</i>, 643 F.3d 1216, 1232 (9th Cir. 2011); (Defs.' Mot. at 5, 10–12). Accordingly, this is not an "exceptional case" where the forum selection clause should not be enforced. Defendants' unopposed motion to transfer this case to the Western District of Washington (ECF No. <u>11</u>) is granted.</p> <p>Ordered by Magistrate Judge Jeff Armistead. (png) (Entered: 01/29/2025)</p>